

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
v.) Crim. No. 05-10019-RGS
DANIEL W. McELROY, and)
AIMEE J. KING McELROY,)
Defendants.)
_____)

GOVERNMENT'S MOTION FOR AN ORDER COMPELLING
THE DEFENDANTS TO PRODUCE A WITNESS LIST AND AN EXHIBIT LIST

The government hereby requests that the Court order the defendants to produce a list of its witnesses and a list of the exhibits it intends to offer in its case-in-chief. According to the Court's pretrial scheduling order, the defendants were required to produce the lists by January 11, 2008. Local Rule 117.1(A)(9) requires the lists to be produced three days before trial, which in this case was January 25, 2008. At the pretrial conference, the Court stated that the lists were due the first day of trial. Whichever deadline was in effect, the defendants have violated it. This morning the undersigned AUSA asked counsel for Daniel McElroy whether he had the lists, and he responded that he did not, and added that he did not know what evidence he would put on.

Because under any of the above-cited rules or orders the government is entitled to have received the defendants' witness and exhibit lists by now, the government asks that the Court order the defendants to comply with the rules and produce them forthwith.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

By: /s/ Jonathan F. Mitchell
JONATHAN F. MITCHELL
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Assistant U.S. Attorneys

CERTIFICATE OF SERVICE

I hereby certify that this document, filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and that paper copies will be sent to those indicated as non registered participants on this date.

/s/ Jonathan F. Mitchell
JONATHAN F. MITCHELL